

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF OKLAHOMA  
3

4 PHILIP SANDERS, an Individual }  
5 and Husband and Next of Kin }  
6 of BRENDA JEAN SANDERS, }  
Deceased, }

7 Plaintiff, }

8 vs. }

9 TURN KEY HEALTH CLINICS, a }  
10 limited liability company, }

11 Defendant. }

Case No.  
17-cv-492-JHP-FHM

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13 **THE DEPOSITION OF LINDSEY**

14 **FOSTER**, produced as a witness on behalf of the  
15 Plaintiff in the above styled and numbered cause,  
16 taken on the 16th day of June, 2020, in the City of  
17 Tulsa, County of Tulsa, State of Oklahoma, before  
18 me, Kristen G. Holmes, a Certified Shorthand  
19 Reporter, duly certified under and by virtue of the  
20 laws of the State of Oklahoma.  
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25

1 while the nurse stood there at the door.

2 Q What about when food is passed through the  
3 bean hole; was there a time that Brenda no longer  
4 was able to come get her food?

5 A Yeah, and also we thought she was also just  
6 frail, so we would just open the door and take it to  
7 her.

8 Q Okay.

9 A Because it was such a struggle for her to get  
10 to the door.

11 Q Were you concerned about the condition she was  
12 in?

13 A Yes.

14 Q All right. It also says on the ambulance  
15 report an employee stated that the patient has been  
16 deteriorating for the past few weeks, describing  
17 patient as becoming more altered, and as of today,  
18 patient was unable to walk. Patient was having poor  
19 food and fluid intake as well. Do you know who that  
20 would've been that provided that information to  
21 them?

22 A That would've been me.

23 Q Why would it have been you that provided that  
24 information?

25 A Because I was the supervisor, so I'm the one

1 who talked to EMS when they came into the jail.

2 Q Okay. Do you remember, sitting here today,  
3 specifically what you said to EMSA?

4 A No.

5 Q All right. Is what I just read to you  
6 accurate when it comes to what you would've told  
7 EMSA?

8 A Can you read it one more time?

9 Q Yes, ma'am. An employee states that the  
10 patient has been deteriorating for the past few  
11 weeks, describing patient as becoming more altered,  
12 and as of today, patient was unable to walk.  
13 Patient was having poor food and fluid intake as  
14 well.

15 A Yes, the day that she was sent to the  
16 hospital, she was no longer able to walk at all.

17 Q Okay.

18 A So in the past when we would take her meds in  
19 and her food, she -- if we would've made her get up  
20 and walk, she would've been able to do it, but it  
21 would've been really hard for her.

22 Q Okay.

23 A So we would take them in to her to help her,  
24 and so -- but the day that she went out in the  
25 ambulance, she was no longer able to walk.

1 that the first time you saw her back in detox after  
2 being in L Pod?

3 MR. RICHARDSON: Objection to form.

4 A That was the first time I had seen her back up  
5 in booking, yes.

6 Q Okay, and under what circumstances did you  
7 notice that she was having diarrhea?

8 A What were the circumstances?

9 Q Yes.

10 A When I checked on her, I could see it through  
11 the window.

12 Q You could see diarrhea through the window?

13 A I could see it all over her.

14 Q Okay. Did you see the actual fecal matter on  
15 her?

16 A Yes, on her oranges.

17 Q Okay. Did you see any of it on the floor?

18 A I can't recall. I just remember it being on  
19 her.

20 Q Okay. Do you recall what part of her oranges?

21 A Her pants.

22 Q On her pants?

23 A Yes.

24 Q Which part of the pants?

25 A All over the bottom of her pants.

1 Q All over the --

2 A Yes, the front, the back. There was fecal  
3 matter all over her pants.

4 Q Okay, but you didn't see any on the floor;  
5 correct?

6 A I didn't really pay attention to the floor.

7 Q Did you go inside the cell to speak with  
8 Brenda about the issue?

9 A I had my jailers get her out, put her in the  
10 shower so she could get cleaned up. We made it --

11 Q Do you --

12 A Like I could not deal with the smell. It was  
13 that bad. So I was outside.

14 Q Sure. Do you recall what jailers went in  
15 there to help her?

16 A I know that Bailey Smalley was one.

17 Q Uh-huh.

18 A Chris Miller. And I do not remember who else  
19 was on my shift.

20 Q Uh-huh. So they went in the cell to get her  
21 escorted to the shower; correct?

22 A I'm not sure because I was outside at that  
23 time.

24 Q Okay.

25 A When I came back in, they had her in the

1 Q And by those cells, I mean H --

2 A Holding 1.

3 Q Holding 1, H1, they have toilets; correct?

4 A (Witness nods head up and down.)

5 Q Okay. Did Brenda have anybody in that cell  
6 with her?

7 A At times, she did. I don't recall exactly  
8 when.

9 Q All right, and did the issue with the loss of  
10 bowels continue?

11 A Yes.

12 Q How many times did you observe her in H1 --  
13 cell H1 having fecal stains on her oranges?

14 A I don't really recall. Two times.

15 Q Two times?

16 A That's all I remember.

17 Q Okay.

18 A I had to constantly give her new oranges.

19 Q So -- oh, I apologize. I had that turned off.  
20 So when you first saw her after coming back after a  
21 long weekend and seeing her have loss of bowels, did  
22 you notify medical at that time?

23 A I don't recall.

24 Q Okay. Then after she was moved to Holding  
25 cell 1 and you said you saw her on two occasions

1 don't remember speaking directly to them.

2 Q Then how do you know it was you that was the  
3 person who provided that information?

4 A Because I was the supervisor.

5 Q Was there anybody else on staff that day?

6 A No, not that would've -- not higher than me,  
7 no.

8 Q But were there other employees of Creek County  
9 that were in the booking area at that time?

10 A The detention officers did not speak to EMS.  
11 Supervisors did, corporals.

12 Q The detention officers are not permitted to  
13 speak to the EMS?

14 A The corporal, the supervisor would do the  
15 talking to the EMS. That would've been me. I  
16 would've talked to EMS to give them the condition of  
17 her. I do not recall talking to them. I would've  
18 been the one to talk to them.

19 Q So -- but you don't have any specific  
20 recollection of talking to them?

21 A No.

22 Q Or who you would've talked to?

23 A I talked to an EMS person. I don't recall  
24 who. I don't recall talking to them.

25 Q So it is your testimony that you believe that